



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL BEST & FRIEDRICH
401 NORTH MICHIGAN AVENUE
SUITE 1900
CHICAGO, IL 60611-4212

COPY MAILED

MAY 17 2005

OFFICE OF PETITIONS

In re Application of :
Gabriel Petta et al :
Application No. 10/829,645 : ON PETITION
Filed: April 22, 2004 :
Attorney Docket No. 200195-9001-00 :
:

This is in response to the petition under 37 CFR 1.47(a), filed October 1, 2004.

The petition is dismissed.

Rule 47 applicant is given ONE MONTH from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (2) set forth above.

As to item (2), the added page to the Declaration submitted on October 1, 2004, does not comply with 37 CFR 1.63. The declaration fails to set forth the nonsigning inventor's citizenship. Accordingly, an ADS or declaration in compliance with 37 CFR 1.63 signed by the signing inventor on behalf of himself and the non-signing inventor's is required. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Randolph Building
 401 Dulany street
 Alexandria, VA 22314

By fax: (703) 872-9306
 ATTN: Office of Petitions

Telephone inquiries related to this decision should be directed to Karen Creasy at (571) 272-3208.

Karen Creasy for

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy